

IN THE CLAIMS

Please amend claims 1, 29, 33, 40,45 as indicated in following list of pending claims:

PENDING CLAIMS

1. (Currently Amended) A biopsy instrument for retrieving body tissue, having a longitudinal axis and comprising:

a distal end adapted for entry into a patient's body;

an electrosurgical cutting element energizable by radio frequency energy

disposed on a distal portion of the instrument which is actuatable between a radially retracted position and a radially extended position, relative to said axis, and which is movable in said radially extended position to isolate a desired tissue specimen from surrounding tissue by defining a peripheral margin about said tissue specimen; and

an encapsulation component configured to encapsulate the isolated tissue

specimen before ~~[[its]]~~ removal of the specimen from the patient's body.

Claims 2-28 (Canceled)

29. (Currently Amended) A method for retrieving a tissue specimen from a patient's body, comprising:

inserting into the patient's body an instrument having a distal end, a longitudinal axis, and an axially disposed electrosurgical cutting element energizable by radio frequency energy, so that the distal end is disposed in a tissue region from which the tissue specimen is to be taken; radially extending the cutting element so that a portion thereof is radially outwardly spaced from the axis of the instrument; ~~[[and]]~~

rotating the cutting element about the axis to cut the tissue and create a peripheral boundary about the tissue specimen, to isolate the tissue specimen from surrounding tissue in the tissue region; and encapsulating the isolated tissue specimen before removing the specimen from the patient's body.

30. (Canceled)

31. (Previously presented): The method as recited in Claim 29, wherein the encapsulating includes radially expanding at least one encapsulating element so that a portion thereof is radially outwardly spaced from the axis of the instrument and rotating the instrument about its axis so that the at least one encapsulating element encloses the tissue specimen.

32. (Original): The method as recited in Claim 31, wherein said at least one encapsulating element comprises a plurality of bands which are disposed axially along said instrument.

33. (Currently Amended): The method as recited in Claim 29, and further comprising proximally withdrawing said instrument, with the encapsulated tissue specimen, from the patient's body, ~~said step~~ including the step of cutting tissue as the instrument is withdrawn.

Claims 34-39 (Canceled)

40. (Currently Amended) An instrument assembly for isolating a tissue specimen from an intracorporeal site, comprising:

- a. an elongate shaft which has a longitudinal axis and a distal end; and
- b. an electrosurgical tissue cutting component energizable by radio frequency energy which is radially extendable from a retracted position to

an extended position and which is configured to create a peripheral boundary about the tissue specimen and electrosurgically isolate a desired tissue specimen from surrounding tissue at the site; and

- c. a tissue collection component coupled to the shaft which is configured to encapsulate the isolated tissue specimen from the surrounding tissue at the site.

41. (Previously presented) The instrument assembly of claim 40 wherein the tissue collection component is configured to maintain the encapsulated tissue specimen intact.

42 (Previously presented) The instrument assembly of claim 40 wherein the tissue cutting component is longitudinally disposed on the elongate shaft proximal of the distal end of the shaft.

43 (Previously presented) The instrument assembly of claim 42 wherein the tissue cutting component is configured to be rotated at least in part about the longitudinal axis in the radially extended position to isolate the tissue specimen.

44. (Previously presented) The instrument assembly of claim 43 wherein both the cutting component and the tissue collection component are movable from a retracted position to an expanded position.

45. (Currently Amended) A excisional device for cutting and removing a specimen of breast tissue, comprising:

a shaft;

a tissue electrosurgical cutting component energizable by radio frequency energy coupled to the shaft and configured to cut the specimen of breast tissue from surrounding breast tissue;

a tissue collection component coupled to the shaft which is configured to encapsulate the cut specimen and maintain the encapsulated specimen intact, both the cutting component and the tissue collection component being movable from a retracted position to an expanded position.

46. (Currently Amended) The ~~instrument assembly~~ excisional device of claim 45 wherein ~~at least one~~ the tissue collection component has a proximal end and a distal end and which is configured to move one end closer to the other end to effect radial extension from the retracted position to ~~[[the]]~~ a radial extended arcuate position.

47. (Currently Amended) The ~~instrument assembly~~ excisional device of claim 45 wherein the tissue collection component is configured so that the distal end is fixed and the proximal end ~~move~~ moves toward the distal end.

48. (Currently Amended) The ~~instrument assembly~~ excisional device of claim 45, wherein the tissue collection component and the tissue cutting component are configured to expand and retract together.

49. (Currently Amended) An instrument for encapsulating and removing a tissue specimen from a patient's body, comprising:

- a. an elongate shaft which has a distal end and a longitudinal axis
- b. ~~[[a]]~~ an electrosurgical tissue cutting component energizable by radio frequency energy which is disposed on a distal portion of the elongate shaft, which is radially extendable from a retracted position to an extended position, relative to the longitudinal axis, which has an arcuate shape in the extended position and which is movable in the radially extended position about the longitudinal axis to isolate a desired tissue specimen from surrounding tissue by defining a peripheral margin about said tissue specimen; and

- c. an encapsulation component for encapsulating the tissue specimen after it has been isolated from surrounding tissue and removing ~~[[it]]~~ the tissue specimen from the patient's body intact.

50. (Previously presented) The instrument of claim 49 wherein the instrument has a distal tissue cutting element with a linear cutting surface disposed on the distal end of the shaft to facilitate accessing the tissue specimen within the patient's body.

51. (Previously presented) The instrument of claim 49, wherein the encapsulation component has a plurality of encapsulation elements which are radially extendable from a retracted position to an extended position.